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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,671	05/17/2001	Woonhee Hwang	944-003.083	. 3352
4955	7590 06/04/2003			
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN BUILDING 5			EXAMINER	
			SMITH, SHEILA B	
755 MAIN STREET, P O BOX 224 MONROE, CT 06468			ART UNIT	PAPER NUMBER
			2681 DATE MAIL ED: 06/04/2003	10

Please find below and/or attached an Office communication concerning this application or proceeding.

Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely flied amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY (check either a) or b)  The period for reply expires 3 months from the mailing date of the final rejection.  The period for reply expires 3 months from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OT THE FINAL RESCRION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the final rejection. Proceed by the Clifica later than three months after the mailing date of the final rejection, even if time under 37 CFR 1.17(a) is calculated form: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (1) above, if checked. Any reply received by the Clifica later than three months after the mailing date of the final rejection, even if timely filed, may reduce any exame plant turn adjustment. See 37 CFR 1.194(a), to avoid dismissal of the appeal.  2 The proposed amendment(s) will not be entered because:  (a) We they raise new issues that would require further consideration and/or search (see NOTE below);  (b) they raise the issue of new matter (see Note below);  (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) they proposed dramman additional claims without canceling a corresponding number of finally rejected claims.  NOTE:  NOTE:  The affidavit				$\sim$ $\sim$				
Examiner		Application No.	Applicant(s)	<del></del>				
Examiner   Shells B. Smith   2881	· Advisory Action	09/859,671	HWANG ET AL.					
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Application/Control Number: 09/859,671

Art Unit: 2681

## **DETAILED ACTION**

## Response to Arguments

Regarding applicants argument that the final rejection is improper. The applicant site the MPEP 706.07 (a) "states that second actions on the merits shall be final, except where the examiner introduces a new ground of rejection." The applicant failed to disclose the entire paragraph which states "Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection *that is neither necessitated by applicant's amendment of the claims* or based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p)." The examiner contends that if the applicant had continued to read that paragraph the applicant would have been informed that the final is indeed proper due to the fact that the new ground of rejection was necessitated by applicants amendment of claims 1, 6 and 11 amended limitations recite " in response to a load request signal from a second radio network controller, a certain load and using an information element indicative thereof". The final rejection stands.

Continuation of 10. Other: "sharing load informatin between radio network controllers connected to each orner by standard interface and for poerating in an environment where te radio network controllers are from a same vendor or from different vendors", raises new issues that would require further consideration and search..

Lee Nguyen ( 6/2/03 Primary Examiner